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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,308	07/31/2001	Kazuhiro Namba	F-7101	3754

7590 06/27/2003
Jordan and Hamburg
122 East 42nd Street
New York, NY 10168

EXAMINER

MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,308

Applicant(s)

NAMBA ET AL.

Examiner

Robert Mosser

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 1 and 9-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ranking features presented in claims 4 and 5, as well a team consisting of a plurality of players characters as presented in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. Claim 1 is objected to because of the following informalities: "on monitor" should read "on the monitor". Appropriate correction is required.

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5. Claim 1 is objected to because of the following informalities: "to terminal" should read "to the terminal". Appropriate correction is required.

6. Claim 9 is objected to because of the following informalities: "wherein same" should read "wherein the same". Appropriate correction is required.

7. Claim 10 is objected to because of the following informalities: "wherein game" should read "wherein the game". Appropriate correction is required.

8. Claim 10 is objected to because of the following informalities: "on monitor" should read "on the monitor". Appropriate correction is required.

Claim 11 is objected to because of the following informalities: "change" should read "changes". Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The game procedure as outlined in claims 4 and 5 relies on characters being ranked in accordance with the characters level, however the portion of the claimed system that determines the level of the character is not present either by definition or procedure and further the manner in which the rank is determined from this level is also not presented

12. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 11. It is unclear to whom the reference "a game player" refers to.

Regarding claims 4 and 5. It is not clear how the players are ranked according to levels

Regarding claim 4. The phrase "another game player..." is unclear whether the applicant is referring to the game players previously recited.

Regarding claim 5. The phrase "competition is made possible only with another game player..." in claim 5 fails to distinctly and clearly point out whom the competition is between.

Regarding claim 5. The limitation "prescribed range" in claim 5, line 3 raises the question of what is included in the meets and bounds of claimed invention. Since a more narrow limitation of the range was previously recited in claim 4.

Regarding claim 12. The "data relating to ages of original characters" is confusing in the context of the rest of the claim.

Regarding claim 13, recites the limitation "said game player" in line 7. This lends the claim to be unclear, as more than one game player was previously recited

Regarding claim 13, recites the limitation "original character" in line 23 and 1. This lends the claim to be unclear, as more than one original characters were previously recited.

Regarding claims 2,3, 6-11, 14, and 15 are rejected for the incorporation of the above through their dependences.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-3, 6, 9, and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,971,855) in view of Yen (US 5,890,963).

Regarding claims 1, 13, 15, and 16. Ng teaches allowing two game players to engage in competition (See Col 4:6-8) of individually trained characters (See Col 5:46-51) using two terminal apparatuses connected to a server through a network (See Col 2:38-50), allowing each competing game player control the movement of their character

and displaying the result of these movements on the terminal apparatus of both players via a server (Applicant referenced as: *the Internet Website*) (See Col 7:42-51).

However, Ng is silent on the storage of game character(s) on the server or the loading of said character from the server.

Yen teaches the use of the server for preserving the game character information (Applicant referenced as: *player's data*)(Col 5:45-49) in a multiplayer computer game.

It would have been obvious to one of ordinary skill in the art, at the time of invention to store the characters of Ng, on the server in light of the teachings of Yen, in order to provide an additional level of protection against players tampering with their characters skills or attributes.

Regarding claims 2, 3, 14, and 17, and in addition to the above stated. Yen teaches the obtaining the game program from another server and the storing of this program in the memory (Applicant referenced as: *memory medium or installation*) of the server or client (Applicant referenced as: *terminal apparatuses*). Yen further teaches the execution of this game program (See Col 2:42-45).

Regarding claim 6, and in addition to the above stated. The game of Ng and Yen teaches the creation of multiple independent original characters by a player (See Ng Col 5:41-51) and the competition between players using their original characters as disclosed above. Therefore the game set forth in the combination of Ng and Yen can broadly be interpreted as the use of these characters as a team for competition against other player created teams of original characters.

Regarding claim 9 and in addition to the above stated. Ng teaches the allowing both players to view the beginning of a combat move in order to allow the opposing player to enter the correct blocking move (See Col 7:50-51). This reads on "same screen is displayed on monitor screens of said terminal apparatuses of said game players".

Regarding claim 11 and in addition to the above stated. Yen teaches the monitoring of the passage of time on the server regardless of whether or not game players participate in games (See Col 6:50-55).

Regarding claim 12 and in addition to the above stated. Ng teaches the monitoring of the passage of time on and the changing the ages of the characters (See Col 6:9-10 & 7:38-41).

Claims 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,971,855) in view of Yen (US 5,890,963) as applied to claim 1 above, and in further view of Sparks, II(US 6,352,479).

Regarding claims 4 and 5, and in addition to the above stated. The game of Ng and Yen teaches the ranking of players (See Col 3:64-65) and assigning different rewards dependent on the opponent's skill level compared to the challengers (See Col 7:66-8:21). However Ng and Yen are silent on the use of a characters rank as a controlling factor for allowing competition between players. Sparks, II teaches the use of a player's skill level to create competition between players within the same skill range (See Figures 11A and 11B) in networked competitive games. This correlates to a ranking system as so disclosed.

It would have been obvious to one of ordinary skill in the art, at the time of invention to utilize a character ranking system in the game of Ng and Yen, in light of the teachings of Sparks, II, in order to ensure competition between players characters would remain challenging and hence exciting for all players involved in the competition.

Regarding claim 7, and in addition to the above stated. The game of Ng and Yen teaches the creation of multiple independent original characters by a player (See Ng Col 5:41-51) and the competition between players using their original characters as disclosed above. However Ng and Yen are silent on the use of a plurality of original characters train by a plurality of game players being arranged as a team for competition against other player created teams of original characters. Sparks, II teaches the use of multiple player teams (See Col 1:43-45) in networked competitive games.

It would have been obvious to one of ordinary skill in the art, at the time of invention to utilize teams of multiple player created characters in the game of Ng and Yen, in light of the teachings of Sparks II, in order to ensure competition between players characters would remain challenging and hence exciting for all players involved in the competition as well as provide away of giving the players a greater sense of community.

15. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,971,855) in view of Yen (US 5,890,963) as applied to claim 1 above, and in further view of McNaughton et al (US 5,796,393).

The game of Ng and Yen teaches allowing players to interact or fight (See Ng Col 4:6-9). However Ng and Yen are silent on the method of this interaction and how the player initiates a competition or equivalently a fight. McNaughton et al teaches the use of a message boards (See Col 8:43-65) as well as player invitation for use with multiplayer online games including those that use multiple player teams (See Col 7:1-14).

It would have been obvious to one of ordinary skill in the art, at the time of invention to utilize message boards in the game of Ng and Yen, in light of the teachings of McNaughton et al, in order to allow players a convenient method for arranging competitive games against other players.

16. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,971,855) in view of Yen (US 5,890,963) as applied to claim 1 above, and in further view of Hanai (US 5,816,920).

The game of Ng and Yen teaches allowing players to interact or fight (See Ng Col 4:6-9). However Ng and Yen are silent on the viewpoint or perspective of the players during competition. Hanai teaches the use of viewpoint or multiple perspectives (See Figure 1) in a multiplayer game.

It would have been obvious to one of ordinary skill in the art, at the time of invention to utilize multiple view points in the game of Ng and Yen, in light of the teachings of Hanai, in order to give players a perspective view during game play.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Quake II Users Guide © 1997 discloses a first person multiplayer game.

Logg (US 4,738,451) discloses a Multi-player, Multi-character cooperative play video games with independent player entry and departure.

James et al (US 5,964,660) discloses a network multiplayer game capable of accommodating a large number of players.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

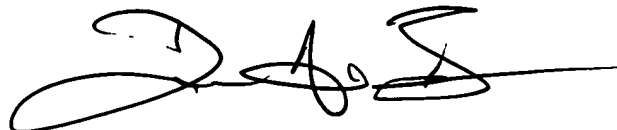
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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REM
June 19, 2003

A handwritten signature in black ink, appearing to read 'D. H. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700